IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 9TH OCTOBER 2007 / 17TH ASWINA 1929

MACA.No. 790 of 2004

OPMV.1858/1999 of MOTOR ACCIDENT CLAIMS TRIBUNAL, KOTTAYAM
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APPELLANT/PETITIONER.

AJAYAKUMAR @ KUNJANIYAN, S/O.NARAYANA KAIMAL, AGED 41 YEARS, SEETHA BHAVAN, SOUTH OF NELLICKAL JUNCTION, KUZHIMATTOM P.O. PANACHIKADU.

BY ADV. SRI.K.A.HASSIM

RESPONDENTS: RESPONDENTS.
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1. JINU MATHEW, S/O.MATHEW P.S. PERUMPALLIPPARAMBIL HOUSE, PULLARIKKUNNU BHAGOM, MALLUSSERY, PERUMBAIKKADU VILLAGE.

2. THE NATIONAL DIRECTOR, INDIA CAMPUS CRUSADE FOR CHIRST,P.B.NO.3885, INDIRA NAGAR, BANGALORE 30.

3. THE ORIENTAL INSURANCE COMPANY LTD., INDIRA NAGAR, BANGALORE - 30.

BY ADV. SRI.A.R.GEORGE

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 09/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. RADHAKRISHNAN & A.K. BASHEER, JJ.

M.A.C.A. No 790 of 2004

Dated: 9th October 2007

JUDGMENT

Radhakrishnan, J.

Claimant is the appellant. Accident is admitted; so also the insurance policy. The only question to be considered is whether the amount awarded by the Tribunal is just and proper.

2. Claimant was aged 41 years at the time of accident and was working as Railway Section Engineer. He had produced Ext A11salary certificate showing that he was getting a monthly salary of Rs 11,221/-. Further he had produced Ext A9 series of bills for purchase of medicines and two receipts from a doctor for dental treatment. It is evident from Exts. A5 and A6 that the claimant had lost five teeth and five damaged. Tribunal in all awarded a sum of Rs 68,500/- as compensation. Learned counsel appearing for the claimant submitted that no amount was awarded for permanent disability though he had lost five teeth and suffered other injuries. For loss of amenities in life a sum of Rs 25,000/- has been awarded. We are of the view, Tribunal is not justified in not awarding any

amount for permanent disability. Considering the nature of the injuries, we are inclined to award a sum of Rs 20,000/- under that head. Further, he was in hospital for a few days and during that period he must have suffered considerable pain. In such circumstances, we award an amount of Rs 10,000/- for pain and suffering. In all we award an additional amount of Rs 30,000/- which will carry interest at the rate of 7.5% per annum from the date of petition till payment. The appeal is disposed of as above.

Sd/-
K.S. RADHAKRISHNAN
Judge

Sd/-
A.K. BASHEER
Judge

09/10/2007
en

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